

ASSEMBLY BILL

No. 2054

Introduced by Assembly Member Miller

February 18, 2010

An act to amend Section 2933.1 of the Penal Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 2054, as introduced, Miller. Sex offenses: rape: worktime credits.

Existing law provides that any person convicted of a violent felony, as specified, shall accrue no more than 15% of worktime credit, as defined.

This bill would additionally provide that any person convicted of rape accomplished where a person is prevented from resisting by any intoxicating or anesthetic substance or where a person is at the time unconscious, as specified, shall accrue no more than 15% of worktime credit.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2933.1 of the Penal Code is amended to
2 read:

3 2933.1. (a) Notwithstanding any other law, any person who
4 is convicted of ~~a felony offense listed in rape as defined in~~
5 ~~paragraph (3) or (4) of subdivision (a) of Section 261 or of a felony~~
6 ~~offense listed in~~ subdivision (c) of Section 667.5 shall accrue no

1 more than 15 percent of worktime credit, as defined in Section
2 2933.

3 (b) The 15-percent limitation provided in subdivision (a) shall
4 apply whether the defendant is sentenced under Chapter 4.5
5 (commencing with Section 1170) of Title 7 of Part 2 or sentenced
6 under some other law. However, nothing in subdivision (a) shall
7 affect the requirement of any statute that the defendant serve a
8 specified period of time prior to minimum parole eligibility, nor
9 shall any offender otherwise statutorily ineligible for credit be
10 eligible for credit pursuant to this section.

11 (c) Notwithstanding Section 4019 or any other provision of law,
12 the maximum credit that may be earned against a period of
13 confinement in, or commitment to, a county jail, industrial farm,
14 or road camp, or a city jail, industrial farm, or road camp, following
15 arrest and prior to placement in the custody of the Director of
16 Corrections, shall not exceed 15 percent of the actual period of
17 confinement for any person specified in subdivision (a).

18 (d) This section shall only apply to offenses listed in subdivision
19 (a) that are committed on or after the date on which this section
20 becomes operative.